

SENATE BILL No. 305

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-14-2-3.

Synopsis: Class 1 public libraries. Changes the criteria for eligibility to establish a Class 1 public library based on the assessed valuation of a municipality, township, county, or part of a county.

Effective: July 1, 2004.

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January 12, 2004, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 305

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-14-2-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) The legislative
3 body of a municipality, township, county, or part of a county, any of
4 which is not already taxed for public library purposes, that has:

- 5 (1) a population of at least ten thousand (10,000); or
6 (2) an assessed valuation that is at least as high as the ~~median of~~
7 ~~the~~ most recent certified assessed valuation of **any of** the ten (10)
8 library taxing districts closest in population to ten thousand
9 (10,000);

10 may establish a public library for the residents of that municipality,
11 township, county, or part of the county.

12 (b) The establishment of the public library may be initiated either
13 by:

- 14 (1) the legislative body passing a written resolution; or
15 (2) the filing of a petition with the legislative body that has been
16 signed by at least twenty percent (20%) of the registered voters of
17 the municipality, township, county, or part of a county, as



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determined by the last preceding general election.

(c) If a petition is filed under subsection (b)(2), then within ten (10) days after the filing, the municipality, township, county, or part of a county shall give notice of the filing of the petition in two (2) newspapers of general circulation in the county, one (1) of which is published in the municipality where the library is to be located, if a newspaper is published in the municipality.

(d) Within ten (10) days after the publication of the petition, any registered voter in the municipality, township, county, or part of a county where the public library is proposed to be established may file with the respective municipality, township, or county a remonstrance that:

(1) is signed by registered voters in the municipality, township, county, or part of the county where the public library is proposed to be established; and

(2) states that those registered voters who have signed the remonstrance are opposed to the establishment of the public library.

(e) The following apply to a petition that is filed under subsection (b)(2) or a remonstrance that is filed under subsection (d):

(1) The petition or remonstrance must show the following:

(A) The date on which each person signed the petition or remonstrance.

(B) The residence of each person on the date the person signed the petition or remonstrance.

(2) The petition or remonstrance must include an affidavit of the person circulating the petition or remonstrance stating that each signature on the petition or remonstrance:

(A) was affixed in the person's presence; and

(B) is the true signature of the person who signed the petition or remonstrance.

(3) Several copies of the petition or remonstrance may be executed. The total of the copies constitute a petition or remonstrance. A copy must include an affidavit as described in subdivision (2). Any signer may file the petition, remonstrance, or any copy. All copies constituting a petition or remonstrance must be filed on the same day.

(4) The clerk of the circuit court in the county where the municipality, township, county, or part of a county where the public library that is proposed to be established is located shall do the following:

(A) If a name appears more than one (1) time on a petition or

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on a remonstrance, the clerk shall strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both (if the person signed both a petition and a remonstrance).

(B) Strike the name from either the petition or the remonstrance of a person who:

- (i) signed both the petition and the remonstrance; and
- (ii) personally, in the clerk's office, makes a voluntary written and signed request for the clerk to strike the person's name from the petition or the remonstrance.

(C) Not more than fifteen (15) days after a petition or remonstrance is filed, certify the number of signatures on the petition or remonstrance that:

- (i) are not duplicates; and
- (ii) represent persons who are registered voters in the municipality, township, county, or part of a county where the public library is proposed to be established, on the day the persons signed the petition or remonstrance.

(D) Establish a record of the clerk's certification in the clerk's office and file the original petition, the original remonstrance if any, and a copy of the clerk's certification with the legislative body of the municipality, township, or county.

The clerk of the circuit court may only strike a person's name from a petition or a remonstrance as set forth in clauses (A) and (B).

(f) At its first meeting, held at least ten (10) days after the publication of the petition, the legislative body shall compare the petition and any remonstrance. When a remonstrance has not been filed or a greater number of voters have signed the petition than have signed the remonstrance against the establishment of the public library, the legislative body shall establish by written resolution the public library with a library district coextensive with the boundaries of the unit or part of a county, whichever is applicable. The establishment of the public library is effective as of the date the written resolution is passed. The legislative body shall file a copy of the resolution within five (5) days:

- (1) with the office of the county recorder in the county where the administrative office of the public library is located; and
- (2) with the Indiana state library.

(g) The legislative body shall give notice to all officials who have the power to appoint members of the library board for the new public library under IC 20-14-2.5-4, and these officials shall appoint the library board for the new public library under IC 20-14-2.5-4 as soon

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1 as possible after their notification.
2 (h) When an equal or greater number of registered voters have
3 signed a remonstrance against the establishment of the public library
4 than the number who have signed the petition in favor of the
5 establishment of the public library, then the legislative body shall
6 dismiss the petition. Another petition to establish a public library may
7 not be initiated until one (1) year after the date the legislative body
8 dismissed the latest unsuccessful petition.

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